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10/767,472	01/29/2004	Christopher G. Walls	3962 P 019	3613

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EXAMINER

SCHRODE, WILLIAM THOMAS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,472	WALLS ET AL.	
	Examiner	Art Unit	
	William Schrode	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 11-14, 16, 17, 19-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) 4, 9, 10, 15, 18 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 11-14, 16, 17, 19-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Examiner's Attachment</u> |

DETAILED ACTION

This action is in response to applicant's amendments filed on 12/16/2005.

Claims 1-3, 5-8, 11-14, 16-17, 19-24, 26-35 are pending and claims 4, 9-10, 15, 18 and 25.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first configuration of the connection must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The applicant has not submitted any figures showing a linear adaptor other than the prior art, as well as an assembly that is adaptable for two configuration. The examiner will examine the claims as "best understood", until further corrections are made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagstrom (US 1,094,143). In regard to claim 26, as "best understood" Hagstrom discloses an adaptable door lock assembly for a multi-point locking arrangement of a door frame, comprising; a central lock unit (6) having a movable actuator member (38) with an axis of movement between an extended position and a retracted position, said actuator member being connected to an extension bolt (51, 46, and 45) extending along a bolt axis, the connection of the actuator member to the extension bolt being capable of alternate connection by a user, the alternate connection including a first configuration whereby the axis of the actuator is in alignment with the bolt axis, and a second

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configuration whereby the axis of the actuator resides a distance away from the bolt axis. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. Further, since Hagstrom discloses all of the structural features of the claim, his device would inherently be capable of performing the same functions as applicant's invention.

In regard to claim 27, Hagstrom discloses a lock assembly wherein connection of the actuator to the extension bolt in the second configuration includes an adaptor body (40, 41, 54, 55, 56, and 53) having a first end (41) connected to the actuator member and a second end (the end connected to 52) connected to the extension bolt, the adaptor body having a length between the first and second ends, the length (53) defining the distance the actuator axis is positioned way from the bolt axis.

In regard to claim 28, Hagstrom discloses a lock assembly wherein the adaptor is connected to the actuator member by mating connection of a projection with a recess (i.e. 40 with 39).

In regard to claim 29, Hagstrom discloses a lock assembly wherein the adaptor is connected to the extension bolt by mating connection of a projection with a receiver (i.e. 53 with 52).

In regard to claim 31, Hagstrom discloses a lock assembly wherein the central lock unit has an exposed side configured to position along an edge of a door (edge of door 1), and the actuator member is located adjacent the exposed side.

In regard to claim 32, Hagstrom discloses a locking assembly wherein the extension bolt is adjacent the exposed side.

In regard to claim 33, Hagstrom discloses a locking assembly wherein in the second configuration, the extension bolt axis resides a distance away from the exposed side of the lock, such that the bolt axis to passes through an interior portion of the door.

In regard to claim 35, Hagstrom teaches a door assembly comprising; a door mounted within a door frame (3) wherein the door includes a lock edge and an interior portion spaced from a lock edge and having a channel within the interior portion, the channel extending from adjacent the door frame to proximate a central lock unit (i.e. the actuator and the extension bolt are embedded in the door, therefore a channel is formed in the door for the members to move); the central lock unit having a movable actuator (38) member with an axis of movement between an extended position and a retracted position, the actuator being proximate the lock edge; an extension bolt (51, 46, and 45) having a elongated body (51) extending along an extension bolt axis, the extension bolt extending through the channel between the door frame and proximate to the central lock unit; and an adaptor (40, 41, 54, 55, 56, and 53) connecting the actuator member and the extension bolt with a length extending generally transverse to the extension bolt axis and defining an extent of separation of the extension bolt axis from the actuator axis. The examiner would like to point out that the word "proximate" has a broad interpretation and the applicant has not defined the word further, therefore, it would be obvious to one having ordinary skill in the art that Hagstrom's extension bolt is positioned proximate to the central lock assembly.

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Claims 26 and 34 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's prior art. In regard to claim 26, as "best understood" the applicant's prior art discloses an adaptable door lock assembly for a multi-point locking arrangement of a door frame, comprising; a central lock unit (A, See Examiner's Attachment) having a movable actuator member (B, See Examiner's Attachment) with an axis of movement between an extended position and a retracted position, said actuator member being connected to an extension bolt (C, See Examiner's Attachment) extending along a bolt axis, the connection of the actuator member to the extension bolt being capable of alternate connection by a user, the alternate connection including a first configuration whereby the axis of the actuator is in alignment with the bolt axis, and a second configuration whereby the axis of the actuator resides a distance away from the bolt axis. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. Further, since prior art discloses all of the structural features of the claim, his device would inherently be capable of performing the same functions as applicant's invention.

In regard to claim 34, the applicant's prior art teaches the adaptable door lock assembly wherein the first configuration, the axis of the actuator is in longitudinal alignment with the bolt axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, 13, 18, 19, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagstrom. In regard to claim 1, Hagstrom discloses a locking door assembly comprising; a door member (1) mounted to a door frame (3) and moveable between at least an open and closed position; a lock assembly having a central lock member (6), and at least one actuator member (38) connected to the central lock member and moveable along an axis of extension between a first position and second position; an extension bolt (51, 46, and 45) having a elongated body (51) extending along an extension bolt axis, and having a proximal end (52) connected to the actuator member and a distal end with a projection configured to mate with a receiver (i.e. 45 mating with 44) for locking the door in position, the connection of the actuator to the extension bolt including an intermediate portion with a length (length of 53) extending generally transverse to the extension bolt axis and defining an extent of separation of the extension bolt axis from the actuator axis and at least an extent of the extension bolt passing through an interior portion of the door member; and wherein the intermediate portion comprises an adaptor (40, 41, 54, 55, 56, and 53) having a first end with a projection (30) configured for mating connection to the actuator, and a second (end of 53 with 52) configured for mating securement with the extension bolt.

Hagstrom does not teach that the second end of the adaptor is threaded for mating with the extension bolt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an adaptor wherein the means for

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connecting the second end of the adaptor to the elongated extension bolt includes an internally and externally threaded fastener arrangement between the adaptor and the extension bolt. Using threading as a means to secure one structure to another is well known method in the art, therefore, it would have been obvious at the time of the invention to include threading on the second end of the adaptor for the purpose of preventing the extension bolt from moving side to side and separating from the adaptor. The examiner would like to point out that threading of the second end of the adaptor is not critical to the invention and the examiner is not relying on the applicant specification. Rather the examiner is pointing out that the applicant teaches (Page 7 line 2 of Specifications) that the second projection is optionally form as part of the adaptor, either with or without threading. The inventor also points out (Page 7, line 4 of Specifications) that the mating arrangement between the adaptor and the extension member, either through friction fit or mechanical fastening. Therefore, the applicant is making it clear that the threaded end is not critical to the invention and the applicant is allowing one skilled in the art to determine the necessary connection between the extension bolt and the adaptor.

In regard to claim 2, Hagstrom discloses an assembly wherein the adaptor (40, 41, 54, 55, 56, and 53) includes a body length located between the actuator and the extension bolt, the body length defining a separation distance between the actuator axis of extension and the extension bolt axis.

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In regard to claim 3, Hagstrom discloses an assembly wherein the adaptor has a first end (end of 41) connected to the actuator and a second end (the end connected to 52) connected to the extension bolt.

In regard to claim 5, Hagstrom discloses an assembly wherein the length of the adaptor is a fixed length.

In regard to claim 8, Hagstrom discloses an assembly wherein a second adaptor (60) is secured to a second extension bolt (61) positioned along the extension bolt axis, the second adaptor having an intermediate portion with a length extending transverse to said extension bolt axis.

In regard to claim 11, Hagstrom discloses a multi-point assembly for a door member mounted to a door frame and moveable between an open configuration and a closed configuration, comprising; a central lock assembly (6) having at least one actuator (38) member moveable along an axis of movement between a first position and second position; an extension bolt (51, 46, and 45) having a elongated body (51) extending along an extension bolt axis, and having a proximal end (52) connected to the actuator member by an adaptor (40, 41, 54, 55, 56, and 53), the adaptor having a body portion (53) residing between a first end (41) and a second end (the end connected to 52), the body portion having a length extending generally transverse to the extension bolt axis to displace the extension bolt axis a distance away from the actuator axis. The examiner would like to point out that the word "proximate" has a broad interpretation and the applicant has not defined the word further, therefore, it would be obvious to one

having ordinary skill in the art that Hagstrom's adaptor connecting the actuator member and extension bolt is positioned proximate to the central lock assembly.

In regard to claim 12, Hagstrom discloses the lock assembly wherein the first end of the adaptor is connected to the actuator and the second end is connected to the extension bolt, said length of the body portion being defined a distance between the first and second ends of the adaptor.

In regard to claim 13, Hagstrom discloses the claimed invention including an adaptor having a first end with a projection (40) configured for mating connection to the actuator (39), and a second end configured for mating securement with the elongated extension bolt (end of 53 with 52).

Hagstrom does not teach that the second end of the adaptor is threaded for mating with the extension bolt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an adaptor wherein the means for connecting the second end of the adaptor to the elongated extension bolt includes an internally and externally threaded fastener arrangement between the adaptor and the extension bolt. Using threading as a means to secure one structure to another is well known method in the art, therefore, it would have been obvious at the time of the invention to include threading on the second end of the adaptor for the purpose of preventing the extension bolt from moving side to side and separating from the adaptor. The examiner would like to point out that threading of the second end of the adaptor is not critical to the invention and the examiner is not relying on the applicant specification. Rather the examiner is pointing out that the applicant teaches (Page 7 line 2 of

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Specifications) that the second projection is optionally form as part of the adaptor, either with or without threading. The inventor also points out (Page 7, line 4 of Specifications) that the mating arrangement between the adaptor and the extension member, either through friction fit or mechanical fastening. Therefore, the applicant is making it clear that the threaded end is not critical to the invention and the applicant is allowing one skilled in the art to determine the necessary connection between the extension bolt and the adaptor.

In regard to claim 14, Hagstrom discloses the lock assembly wherein a second adaptor (60) is secured to a second extension bolt (61) positioned along a second extension bolt axis, the second adaptor having a body portion with a length extending transverse to said second extension bolt axis.

In regard to claim 16, Hagstrom discloses an adaptor for connecting an extension bolt to a central lock device of a multi-point lock assembly for a door, comprising; an adaptor (40, 41, 54, 55, 56, and 53) body having a first end (41) with a means for connection to a mating portion of a moveable actuator member (38) of a central lock member (6), and a second end (at 52) with a means for connection to an elongated extension bolt (51, 46, and 45), the adaptor having a body length (53) between the first end and the second end, the body length extending transverse to the elongated extension bolt, the length providing an extent of positioning the elongated extension bolt in spaced relationship from the actuator.

Hagstrom does not teach that the connection means between the adaptor and elongated extension bolt includes a threaded fastener arrangement. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have an adaptor wherein the means for connecting the second end of the adaptor to the elongated extension bolt includes an internally and externally threaded fastener arrangement between the adaptor and the extension bolt. Using threading as a means to secure one structure to another is well known method in the art, therefore, it would have been obvious at the time of the invention to include threading on the second end of the adaptor for the purpose of preventing the extension bolt from moving side to side and separating from the adaptor. The examiner would like to point out that threading of the second end of the adaptor is not critical to the invention and the examiner is not relying on the applicant specification. Rather the examiner is pointing out that the applicant teaches (Page 7 line 2 of Specifications) that the second projection is optionally form as part of the adapter, either with or without threading. The inventor also points out (Page 7, line 4 of Specifications) that the mating arrangement between the adaptor and the extension member, either through friction fit or mechanical fastening. Therefore, the applicant is making it clear that the threaded end is not critical to the invention and the applicant is allowing one skilled in the art to determine the necessary connection between the extension bolt and the adaptor.

In regard to claim 17, Hagstrom discloses an adaptor wherein the means for connecting the adaptor first end to an actuator member includes a projection (40) at the first end configured to mate with a receiver (39) of the actuator member.

In regard to claim 19, Hagstrom does not teach that the second end of the adaptor is internally threaded configured to mate with a threaded end portion of the

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extension bolt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an adaptor wherein the means for connecting the second end of the adaptor to the elongated extension bolt includes an internally and externally threaded fastener arrangement between the adaptor and the extension bolt. Using threading as a means to secure one structure to another is well known method in the art, therefore, it would have been obvious at the time of the invention to include threading on the second end of the adaptor for the purpose of preventing the extension bolt from moving side to side and separating from the adaptor. The examiner would like to point out that threading of the second end of the adaptor is not critical to the invention and the examiner is not relying on the applicant specification. Rather the examiner is pointing out that the applicant teaches (Page 7 line 2 of Specifications) that the second projection is optionally form as part of the adapter, either with or without threading. The inventor also points out (Page 7, line 4 of Specifications) that the mating arrangement between the adaptor and the extension member, either through friction fit or mechanical fastening. Therefore, the applicant is making it clear that the threaded end is not critical to the invention and the applicant is allowing one skilled in the art to determine the necessary connection between the extension bolt and the adaptor.

In regard to claim 20, Hagstrom discloses an adaptor wherein the first end of the adaptor is capable of removable connection to the actuator.

In regard to claim 21, Hagstrom discloses an adaptor wherein the second end of the adaptor is capable of removable connection to the extension bolt.

In regard to claim 22, Hagstrom discloses an adaptor wherein the length of the adaptor body is fixed length.

In regard to claims 6, 7, 23 and 24, Hagstrom discloses the claimed invention except for the assembly wherein the length of the adaptor body is approximately $\frac{1}{2}$ inch and between $\frac{1}{4}$ and $\frac{3}{4}$ inch. It would have been an obvious matter of design choice to make the adaptor body length approximately $\frac{1}{2}$ inch and between $\frac{1}{4}$ and $\frac{3}{4}$ inch, since a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Response to Arguments

Applicant's arguments filed 12/16/2005 have been fully considered but they are not persuasive.

In regard to the drawing objection the examiner maintains the objection. Yes, the applicant has submitted figures showing prior art that teaches a linear adaptor, however, the applicant has not shown his/her linear adaptor, the applicant has only shown the offset adaptor.

In regard to claim objections, the applicant's amendments have overcome the objections. The objections have been withdrawn.

In regard to the 112 rejections, the applicant's amendments have overcome the rejections. The rejections have been withdrawn.

In regard to the 102 rejections, the examiner is interpreting "configured" to mean "capable of". It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so

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perform. It does not constitute a limitation in any patentable sense. Further, since prior art discloses all of the structural features of the claim, his device would inherently be capable of performing the same functions as applicant's invention.

In regard to the 103 rejections, the examiner would like to point out that threading of the second end of the adaptor is not critical to the invention and the examiner is not relying on the applicant specification. Rather the examiner is pointing out that the applicant teaches (Page 7 line 2 of Specifications) that the second projection is optionally form as part of the adapter, either with or without threading. The inventor also points out (Page 7, line 4 of Specifications) that the mating arrangement between the adaptor and the extension member, either through friction fit or mechanical fastening. Therefore, the applicant is making it clear that the threaded end is not critical to the invention and the applicant is allowing one skilled in the art to determine the necessary connection between the extension bolt and the adaptor.

The examiner would like to point out that "proximate" is a broad limitation meaning close. To one with ordinary skill in the art, Hagstrom's extension bolt is positioned close to the central lock assembly.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER

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02/23/2006



Examiner's Attachment

FIG. 2

PRIOR ART

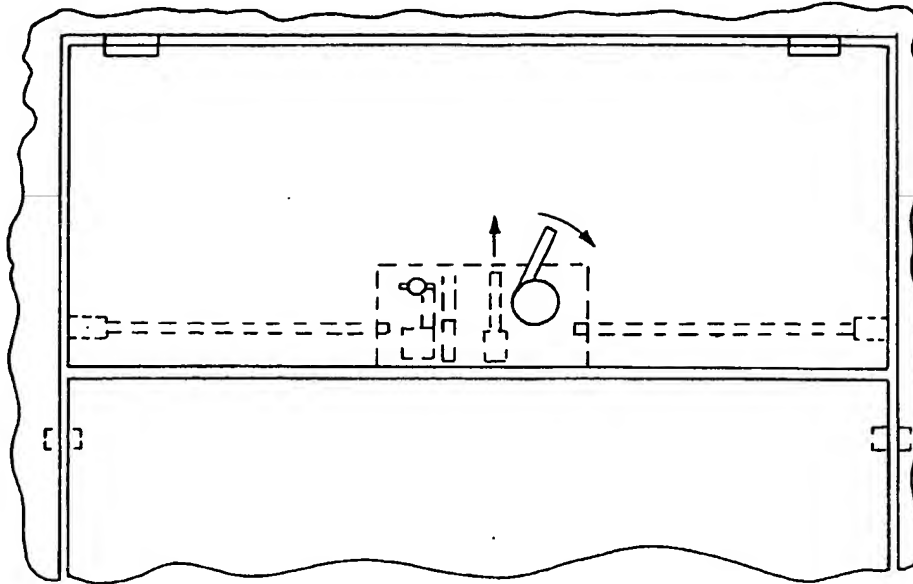


FIG. 1

PRIOR ART

